

## **808 KAR 1:160. Fees for services rendered to banks and trust companies.**

RELATES TO: KRS 286.3-010, 286.3-020, 286.3-050, 286.3-095, 286.3-135, 286.3-140, 286.3-145, 286.3-146, 286.3-170, 286.3-172, 286.3-174, 286.3-180, 286.3-185, 286.3-450, 286.3-480, 286.3-530, 286.3-820, 286.3-920

STATUTORY AUTHORITY: KRS 286.1-020(1), 286.3-145, 286.3-146, 286.3-480

NECESSITY, FUNCTION, AND CONFORMITY: KRS 286.1-020(1) authorizes the commissioner to promulgate administrative regulations to interpret and carry out the provisions and intent of KRS Chapter 286. KRS 286.3-145 and 286.3-146 authorize the commissioner to prescribe filing fees for trust companies that want to establish or acquire and maintain a trust office or trust representative office. KRS 286.3-480 requires the commissioner to establish fees for certain investigations, applications, examination of assets, and extraordinary services performed for any financial institution. This administrative regulation establishes the fees for these services.

Section 1. Definitions. (1) "Applicant" means a person or institution submitting a written application, plan, or notice pursuant to KRS Chapter 286.3.

(2) "Commissioner" is defined by KRS 286.3-010(7).

(3) "Department" is defined by KRS 286.3-010(8).

(4) "Extraordinary services performed" means:

(a) Review of a request for approval of a change of control made pursuant to KRS 286.3-095(1), unless the request was made concurrently with an application made pursuant to KRS 286.3-905; or

(b) A special examination.

(5) "Institution" means an institution that is subject to examination pursuant to KRS 286.3-450 or KRS 286.3-530.

(6) "Special examination" means:

(a) An abbreviated on-site review conducted in conjunction with a formal or informal enforcement action to determine an institution's progress in achieving compliance with laws or administrative regulations or to address unsafe and unsound banking practices;

(b) An off-site review of progress reports submitted by an institution to the commissioner in conjunction with a formal or informal enforcement action; or

(c) A second examination conducted within the twenty-four (24) month timeframe set forth in KRS 286.3-450(1) that results from an institution failing to comply with laws or administrative regulations relating to banks or trust companies or from an institution engaging in unsafe and unsound banking practices.

Section 2. Fees. An applicant or institution shall pay the department a fee for the services identified in the following table:

Service	Fee
Review of application submitted pursuant to KRS 286.3-020	\$5,000, plus the hourly fee established in Section 3 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of application submitted pursuant to KRS 286.3-135	\$5,000, plus the hourly fee established in Section 3 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of plan submitted pursuant to	\$5,000, plus the hourly fee established in

KRS 286.3-172	Section 3 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of amendments submitted pursuant to KRS 286.3-050(4) if at least one (1) amendment is being made pursuant to KRS 286.3-140(1)	\$1,000
Review of amendments submitted pursuant to KRS 286.3-050(4) if none of the amendments are being made pursuant to KRS 286.3-140(1)	\$250
Review of application required pursuant to KRS 286.3-180 unless the application is being made concurrently with an application required pursuant to KRS 286.3-920(2)	\$500
Review of application required pursuant to KRS 286.3-820	\$500
Review of application required pursuant to KRS 286.3-920(2) or 286.3-920(3) unless the application is being made concurrently with an application required pursuant to KRS 286.3-905	\$2,500
Review of notice required pursuant to KRS 286.3-145(4)	\$500
Review of notice required pursuant to KRS 286.3-145(5) or 286.3-146(4)	\$1,000
Review of application required pursuant to KRS 286.3-185	\$500
Examination conducted pursuant to KRS 286.3-480(1)(c)	The hourly fee established in Section 3 of this administrative regulation for each examiner that conducts the examination.
Extraordinary services performed	The hourly fee established in Section 3 of this administrative regulation for each examiner that conducts the review or special examination.

Section 3. Hourly Fee. The hourly fee shall be fifty-five (55) dollars per hour.

Section 4. Payment Terms. (1) Except for hourly fees, a fee shall be paid by the applicant at the time a written application, plan, or notice is made.

(2) An hourly fee shall be paid within thirty (30) days of the date a fee invoice is mailed to the applicant or institution.

(3) Except for clerical errors, a fee paid pursuant to this administrative regulation shall be nonrefundable. (43 Ky.R. 547; eff. 11-4-2016.)